

Lewis County Planning Commission

Public Meeting

Lewis County Courthouse
Commissioners' Hearing Room – 2nd Floor
351 NW North St – Chehalis, WA

November 25, 2014 - Meeting Notes

Planning Commissioners Present: Mike Mahoney, Russ Prior, Bob Guenther, Sue Rosbach, Arny Davis

Planning Commissioners Excused: Richard Tausch

Staff Present: Lee Napier, Patrick Babineau, Glenn Carter, Pat Anderson

Consultants Present: John Kliem, Creative Community Consultants, Inc.

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from October 28, 2014
- Alternatives paper from John Kliem

1. Call to Order

Chair Mahoney called the meeting to order at 6:06 p.m. The Commissioners introduced themselves. Chair Mahoney stated the Planning Commission would try to come up with some language for a proposed ordinance and to set a public hearing in January.

2. Approval of Agenda

There were no changes to the agenda.

3. Approval of Meeting Notes

There were no changes or corrections to the meeting notes. Chair Mahoney entertained a motion to approve. The motion was made by Commissioner Guenther, seconded by Commissioner Rosbach; the motion carried.

4. Old Business

A. 5th Workshop on Marijuana Land Use

Lee Napier, Director of Community Development, stated there is a [recreational marijuana] moratorium in place and will expire on December 1, 2014. The Board of County Commissioners (BOCC) has a moratorium extension on its Monday agenda. This will be the third extension for a six-month period. The moratorium does not need to be in place for six months; only until the Planning Commission has finished its work. The BOCC has an expectation that the Planning Commission will continue its work at the BOCC's direction. There is interest by the Planning Commission in moving this forward to a recommendation and hold a public hearing so the BOCC can hold its public hearing.

Ms. Napier stated the material submitted to the Planning Commission is new in how it is organized but it is not new in the sense that it contains items that the Planning Commission has discussed. This topic is

new to the Planning Commission and it has spent several months learning about it and examining what land use would be applicable to our community. Staff has brought the information back to the Planning Commission in the form of two alternatives. One resembles what staff heard in the very beginning and the second alternative resembles what staff has heard more recently.

Tonight staff would like information from the Planning Commission that can be brought back in January in the form of a recommendation to start the hearing process.

Chair Mahoney stated he met with Patrick Babineau for a discussion on this topic and he has also looked at the Washington Administrative Code (WAC). It is the Chair's opinion that the Planning Commission needs to start with the WAC and should not try to duplicate anything that is already in the WAC. Some concerns that the Planning Commission has had are alleviated in the WAC.

The Planning Commission also discussed whether it needs two types of Processor definitions. According to the WAC, a Producer license includes the ability to grow, harvest, trim, dry, cure and package marijuana. That takes care of the lower level of processing and Chair Mahoney did not think it needed to be addressed further. The more intense extraction of concentrated compounds and the manufacture of edibles are addressed under the Processor license in the WAC. The Planning Commission should not need to get into further definitions on these two licenses.

Regarding specific land use concerns, the 1000 foot requirement for all licensed facilities is also described in detail in the WAC. When these are taken in conjunction with fencing and security requirements it is the Chair's opinion that the production should be limited to parcels of 10 acres or larger if it is going to be outside of an industrial zone. The 100 foot setbacks required for fencing and lighting could easily be met on 10 acres.

Chair Mahoney also stated that he believes marijuana should be considered an agricultural product, which is allowable just about anywhere, but limiting the parcel size to 10 acres or more. All buildings should be compatible with the zoning and the Lewis County Code already addresses that. The 8' fencing will require an administrative review with Community Development. Ms. Napier stated that was correct and staff would double check to make sure it is not inconsistent with county code.

Chair Mahoney stated it was his opinion that if a processor is producing edibles it will be inspected possibly by the Department of Agriculture as well as the Liquor Control Board and should be restricted to an industrial area.

Apparently in the [extraction] process volatile chemicals are used and the use of these and the extraction equipment must be approved by a fire code official and meet required fire safety and building code requirements specified in Title 296 WAC. Chair Mahoney understands that Lewis County does not have a fire code enforcement fire marshal. Ms. Napier stated that the review of that WAC would fall to Community Development and the County does have a fire marshal who reviews building plans for fire code purposes. The County also contracts for fire marshal services for cause and origin; it does not currently have on staff someone qualified to review the demands of this code, which is a concern of Ms. Napier.

Chair Mahoney stated that the active processing using these chemicals is limited to two or three licenses within Lewis County and did not think that would provide an unusual burden on Community Development.

Ms. Napier stated whether there is one or one hundred if she does not have staff qualified to provide that level of review, then yes, it would be a burden. She would need to take resources away from one job to learn another job for an occasional inspection.

Chair Mahoney asked for comments from the other Planning Commissioners.

Commissioner Guenther stated he has a concern for the opportunity to grow marijuana as an agricultural product. He is concerned about law enforcement, and he is concerned about training people to do inspections and being short-handed. He still believes that growing marijuana in Lewis County should be done in an industrial setting.

Commissioner Davis spoke to the fire code and enforcement. He thought that enforcement could be sub-contracted out for the number that will need to be done. The fees could be paid for through the application. Ms. Napier stated contracting out would be an option; she was not aware of anyone who was in that line of work.

Commissioner Prior asked if someone in a local fire department would be qualified. Ms. Napier stated at this point in this community, no. There are fire departments trained to do some fire inspections but she did not know that they have this specific training. She was also concerned about the liability that the county would take on by contracting for that service.

Chairman Mahoney thought the Chehalis Fire Department might have that training because of a couple of industries in Chehalis that house volatile chemicals. If no one is available perhaps L & I could direct the county as to where to go.

Chair Mahoney stated he would like to see that the fees and responsibilities for any of the licenses is clearly put on the applicant and that the fees are high enough to cover some of these things so it does not become a burden on the rest of the county. Ms. Napier stated that Community Department looks at fees for a cost recovery of service but that can't take into account any demands that are put on law enforcement and the response of the fire department. The Planning Commission's interest in fire service is understood but rather than debate whether or not it is available, Ms. Napier asked that the Commission gives staff direction and it will try to find that service. Questions are being asked about people that she does not know and she does not want to obligate them.

Commissioner Prior commented about excluding RDD-5. He stated the arithmetic shows that a 5-acre square is 417 on a side and if you take out the 100' swath from the perimeter that equals about 3 acres, which leaves two acres and that is plenty big enough for a Tier 1 or Tier 2 grow operation. What he proposes is to not allow a Tier 3 grow operation in RDD-5. Chairman Mahoney suggested saying that a parcel must be 5 acres or more because there are some parcels in RDD-5 that are 2 acres.

Commissioner Rosbach stated she did not think five acres should qualify. She even questioned 10 acres. She had concern for the neighbors regarding the lighting and security that is required because those would encroach on the neighbors.

Commissioner Guenther stated Commissioner Prior was talking about a square of 5 acres. Commissioner Prior stated that was the best-case scenario for five acres. If you have 5 acres that is long and skinny it won't work, and that is fine, but that is the way the rule is being proposed. There has to be enough room after the 100' setback to accommodate the grow and all of the security, and minimize the impact to the neighbors. One of the issues will be the shape of the parcel.

Chairman Mahoney asked Sheriff-elect Rob Snaza to address the Commission.

Mr. Snaza stated he has been familiar with marijuana grow operations for over 20 years, dealing with both legal and illegal operations. He agrees with the Commission regarding the WAC 314-55. The majority of the grow operations are indoors. The Sheriff's department has seen several outdoor grow operations, which were large and illegal; up to three acres with 8,000 plants.

Mr. Snaza stated the Sheriff's department would support any decision that is made by this board and it will provide the resources as allowed. The Sheriff's office is working with the Liquor Control Board; Mr. Snaza has sat in on a number of meetings with them when they were putting this together. There is a lot of confusion and he appreciates the Planning Commission acting on the issue.

Commissioner Prior asked if the grows in forested areas were interspersed with the trees. Mr. Snaza stated a lot of them were in the jack firs. The trees were mostly taken out with some trees left in the middle to camouflage the grow from planes flying over. The cost of destroying our forest land is huge. Weyerhaeuser has spent thousands of dollars to rehabilitate the land and soil that was contaminated by the chemicals. He understands there will be restrictions as to the types of chemicals that are put in the soils and he is not worried about that, but by the illegal operations that the department continues to see.

Commissioner Prior stated that a reason he supports growing marijuana in Lewis County is because it would make it less likely that illegal grows would occur. He asked Mr. Snaza's opinion about that.

Mr. Snaza stated that as long as the county continues to have the obscurity between a legal grow operation and a medical grow there will be a lot of confusion. If someone has eight medical marijuana cards he thinks he can grow 15 medical plants per card. That is not true; he can only grow 45 plants maximum. He hopes the legal grows would do fine and deter illegal grows but he thinks the Department will still see a small amount of illegal grow operations. There will always be those who do not want to comply with state and county regulations. On average, the Department receives 5 calls a week on illegal marijuana grow operations. Many times it is repeat offenders. The Department will go out and the majority are medical marijuana grows. We educate them; most of them are very cooperative. They share with us about their operation. If they are out of compliance we tell them we will be back to be sure they are in compliance and we have had good luck with that. There are some individuals that come from King County who are trying to continue their commercial grow operations. They end up processing that grow and shipping it back to King County to whoever is selling it. The medical marijuana distributors are doing that.

Commissioner Prior stated enforcement has been a big issue with the Planning Commissioners. It is his opinion that enforcement of the WAC is not the county's problem. That is the State's problem. A legal recreational marijuana grow operation is enforced by the Liquor Control Board (LCB). The Sheriff's Department becomes involved when a crime is committed. Mr. Snaza stated that was correct. If the LCB finds something criminal we will go in on their behalf to assist them on a criminal investigation.

Chairman Mahoney asked Mr. Snaza if he had any concerns about retail and processing facilities from a security threat perspective. Mr. Snaza stated there are two ways to look at it. For commercial, we know where they are and we can keep an eye on them. The other issue is the Sheriff does not designate who can grow and who cannot grow. The WAC codes are pretty strict. He would like to see them in an industrial type setting because those areas can be identified and the patrol officers can check those areas on a regular basis. Otherwise the Department will do the best it can to go out in the rural areas. If there is a legal grow out there the Department will do the best it can to protect them as well.

Regarding the extraction process, what we hear about in the news is what is being done with hash oil and butane. That is why we are hearing about explosions. As for the fire marshal, we are not used to seeing this. As part of the meth lab response team, Mr. Snaza is a safety officer; these chemicals are new to us and they are very hazardous. The LCB and State Patrol would have someone who could do those inspections.

Chairman Mahoney asked if the Department had any issues regarding retail stores in the Rush Rd area, Mary's Corner, or some other crossroad commercial zones. Ms. Snaza stated regulating that would be tough on the Department because of the safety aspect for everyone. Any time you are opening a facility like that you will draw a certain element. His concern, for example at Exit 59 where there is very little freeway traffic, would be the susceptibility of burglaries or robberies. He would discourage retail outlets in rural areas because of the possibility of the criminal element. There will be concerns no matter where retail goes; that will have to be addressed when those areas are identified.

Mr. Snaza stated the Sheriff's Department is currently investigating a place in Lewis County doing a commercial grow operation which has allegedly received a license from the state but has not received any authority from the county government.

Commissioner Davis stated with retail and processing notwithstanding, just with regard to growing, in Mr. Snaza's opinion, are there any impacts to public safety regarding parcel size. Mr. Snaza stated a five-acre parcel goes down to about two acres for growing after the setbacks and that is about as big as he would like to see. Any larger is getting out of the span of control. However, this is a valuable product and if someone is going to grow it they will be putting some money into it, especially for surveillance. If not it will be susceptible to the criminal element.

Chairman Mahoney stated that security in the WAC states that every foot of the perimeter and 20' beyond that perimeter must be recorded 24 hours a day and the records must be maintained for 45 days. That would require a substantial investment for proper surveillance.

Mr. Snaza stated if this does take place, the individuals who apply will have a huge investment. The industry is huge and there are a lot of dollars attached and he appreciates the Planning Commission's

thinking on this. This needs to be a very well thought-out process of how to address this issue if and when it passes.

Commissioner Prior asked for clarification on Mr. Snaza's opinion on whether or not public safety will be impacted by the size of a property that has a grow operation. Mr. Snaza stated safety is first and foremost of importance to him and any operation, large or small, is going to be a concern. He does not know what to expect. Wherever it goes there will be a criminal element. You are not going to deter the criminal element. There will be internal issues; safety is going to be huge and he is concerned if it is in rural Lewis County. If there is a grow in Randle and there is one deputy working at night and that grow gets hit, that is huge. Raymond is not seeing any money from its legal marijuana grows yet. He does not know when law enforcement will see it. Rural Lewis County is already stretched. We are below 1988 staffing right now. If there are four commercial grow operations that will be a strain on the Department. The Department will do everything it can for the citizens of Lewis County but it will be a strain.

Commissioner Prior stated it will be a strain regardless of the size of the operation. One doesn't cause the other. Mr. Snaza stated that was correct.

Commissioner Rosbach stated the retail and processing can be more controlled in an industrial-type area. Speaking of 5-acre parcels and the county being stretched from Pe Ell to Packwood, is there an area to designate? Mr. Snaza stated he would let the Board make that decision. Lewis County is the largest county on the west side of the mountains. That is a lot of coverage and he did not think there was one particular area where it could go.

Commissioner Guenther stated that was why he would like to consolidate as much as possible so there is a better opportunity to have control. He is not against growing marijuana since it was passed by the people but how can we make sure our public funds are used most effectively. He is concerned about the strain on the Sheriff's Department.

Mr. Snaza stated if this goes through and processors are identified the Sheriff's office will be in partnerships with those individuals to ensure that there is a working relationship. He wants to think that those people are on the up and up; they are doing it for a business and for a profit.

Commissioner Davis stated he wants economic opportunity for the county. It is going to cost Lewis County "X" number of dollars to manage and protect these operations. Therefore, the Planning Commission recommendation needs to be for a more controlled area; less strain and less cost on Lewis County taxpayers resources – not only the Sheriff's Department budget but Community Development's budget. The Planning Commission has the responsibility to make a recommendation to the County Commissioners that will not impact Lewis County tax dollars. This is especially true for processing and retailing.

Commissioner Guenther asked if the Liquor Control Board has enough staff to monitor the grows all over the state. Commissioner Prior stated no one is talking about monitoring the videos. They have them for evidence. Mr. Snaza stated each plant is worth between \$1500 and \$2500 at full bloom, and the grower is going to want to protect that investment.

Commissioner Prior stated with respect to disseminating these grows all over the place, the requirements that the state has handed down: the surveillance, the fencing, licensing itself, is going to limit the number of operations. He thought it would be a handful in the entire county. He stated that the Planning Commission has been discussing this topic for five months and there are two people who have one grow operation and who have participated in the discussion. If there were more who were interested they probably would have come to the meetings.

Commissioner Rosbach asked if the County is allotted a certain number of licenses per of amount of land. Ms. Napier stated 7 retail stores are allowed in the County – two in Centralia, one in Chehalis and the balance are county-wide. The acreage for grows is statewide; it is not been decided how much for each jurisdiction.

Commissioner Guenther stated the total for the state is 2 million square feet and he has read that over half of that has already been allotted for use.

Chair Mahoney thanked Mr. Snaza for attending the meeting and sharing his views. Mr. Snaza thanked the Planning Commission for its diligence. Whatever the outcome, the Sheriff's Department will support it.

Chair Mahoney stated there are a series of remedies for violations that the Liquor Control Board has in place. They are not inexpensive and a person can lose his license with repeated violations. The first offense for a grower for not maintaining proper records or equipment is \$2500. The LCB will conduct inspections and there is no cost to the County for those inspections.

Chairman Mahoney asked if there were comments or questions from anyone. There were none. He stated he would like to start coming up with specific suggestions as to what the Planning Commission thinks the County's ordinance should say.

Ms. Napier stated that was why staff and Mr. Kliem outlined Alternatives 1 and 2.

Chair Mahoney stated the processor licenses for extraction, edibles, etc. will be regulated by other state agencies. He would like to see that type of operation in an industrial area. Commissioner Prior stated he did not agree with that because that is forcing the grower to move entire plants to the processor. Chairman Mahoney stated the grower is allowed to grow, dry, package, sort and trim the product. The way this is written some of the growers are going to be propagating plants for sale to other growers. There are requirements for transportation, also. He understands that all sales have to go through the middleman. None can be from grower to the retail store.

Mr. Kliem stated the WACs expressly state that a producer can prepare and package the product but only for a processor. They can't prep it for retail sales; only for wholesale distribution.

Chair Mahoney stated the processor puts it into a retail package and transports it to the retailer. There can be no retail sales at the processor location and no joint ownership. He was looking at the processor who will receive bulk product from a producer. When the processor has done what he needs to do with the product he will transport it to a retailer. One reason he would like to see the processor in an industrial area is because the processor is getting the product in a concentrated enough package ready

to use that it might be attractive for theft, mishandling, etc. The live plant has some value; the dried material ready for retail has a much higher value.

Commissioner Prior asked if a 100' setback is required, wouldn't that significantly impact the number of properties in an industrial area. Chairman Mahoney stated in an industrial zone the 100' setback may not be needed because there is not a residence with children. Commissioner Prior stated there will always be an exception which should be written into the ordinance. Chairman Mahoney stated the 1000' rule would still be in place in an industrial area.

Commissioner Guenther agreed that the processing should be done in an industrial complex. His concern is safety and control. If it is in a hard building and an industrial area then there is control. If he were a grower he would want to eliminate the middleman and do it all himself.

Commissioner Prior asked if Summer Chapman and Gabe Koth could speak to this issue. He understood that they wanted a producer's license and a processor's license. He asked them if they could not process the product would it have an impact on their bottom line.

Ms. Chapman and Mr. Koth agreed that it would have a huge impact. Ms. Chapman stated the biggest part would be moving the product to a retailer so not having the opportunity to package their own plants would be a big chunk of money coming out of their pocket. Mr. Koth stated it would be extremely beneficial for them to have the producer and processor licenses. For the processor license, they would take their flowers and put them into bags to sell to the retailer. Processing also entails the BHO and chemicals that the Planning Commission is concerned about. Not every processor does that. The processor is the only person who can make the product available to a retailer. Ms. Chapman stated per their license with the LCB they are not doing any extractions; they are only selling flowers. Ms. Chapman stated theirs would be an indoor grow.

Commissioner Prior stated there is a potential for someone growing fabulous marijuana, processing it and selling it to a retailer can make a name for themselves and charge top dollar. Is that possible in this industry? Ms. Chapman stated that was absolutely the case. This is going to be their business. Everything they have to do is monitored; they have spent hundreds of thousands of dollars to do this. They are taking it very seriously; they want to do it right and follow the rules that are put out there. They don't want it to be impossible to comply.

Commissioner Rosbach asked Ms. Chapman and Mr. Koth if they could grow and process in a building in an industrial area. Ms. Chapman stated they could not; because of where they are in the process they could not give the LCB a change of address and make that change. Their application would be set aside until the LCB goes through every other person and then they would come back to them due to an address change. The LCB has considered invoking a fee to make that change but that hasn't happened yet.

Ms. Chapman stated each phase being done needs an individual room and they are each monitored. They would have 24 cameras in their operation.

Commissioner Guenther stated he has heard about the hundreds of thousands of dollars that have been spent and he would be interested in seeing what they are doing. That might help him better understand what is going on.

Ms. Napier reminded the Commissioners that their meetings are open public meetings and therefore they would be inviting the public along.

Chairman Mahoney stated the Planning Commission visited Birchfield a few years ago to see what was planned there. It was very helpful. Ms. Napier stated she was not disagreeing; she wanted them to know that they were not just inviting the Planning Commissioners. Commissioner Davis stated the Commissioners could go individually and report back.

Commissioner Guenther stated Lewis County is 100 miles long and perhaps grows could be designated in certain areas of the county: east, middle and west. We don't know how many people are going to apply. He wants the Sheriff's Department to have good control of what is going on. Commissioner Davis agreed but someone is going to be unhappy with the decision. It happened with zoning. Commissioner Guenther suggested allowing three growers in each geographic location.

Commissioner Davis asked Mr. Carter's opinion. Mr. Carter stated that was more of a planning question. He stated there could be a processing distinction between those processors that don't use extractive processes and those that do. Processors that use the extractive method have to be in the industrial area. The others might be outside of the industrial area. With reference as to where you put them, that is a planning question but a special use permit is done all the time. It goes to the Hearing Examiner and as long as it meets certain criteria it might get placed in a certain place. You don't have to say that geographically it gets placed in a particular township or range.

Ms. Napier stated there is something in the code that creates sub-areas in the county where only a certain number of permits are allowed. Those are more difficult to manage and would require more input from the Planning Commission to help define what those sub-areas might be for this particular case. What might work best, and what Mr. Carter suggested, is having some distinction between the different types of processing. That would also alleviate Ms. Napier's concerns about staff level.

Commissioner Prior stated Cowlitz County defined Type 1 and Type 2 processors and he did not agree with that in the beginning but now he thinks the Commission needs to go in that direction.

Chair Mahoney read excerpts from the WAC: a marijuana processor license allows the licensee to process, package and label useable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers. A marijuana processor is allowed to blend tested useable marijuana from multiple lots into a single package for sale to a marijuana licensee. A marijuana processor is limited to the types of food or drink they may infuse with marijuana. To reduce the risk to public health, food defined as potentially hazardous food may not be infused with marijuana.

Chair Mahoney stated what he is hearing is the packaging and labeling of useable marijuana and the blending of useable marijuana should be allowed at the site of production. The extraction, cooking and baking of edibles should be handled differently.

Mr. Kliem stated that currently is the proposal in Alternative 2. He tried to capture it in the alternative, introducing the concept that excludes the infusion and all of the processing from the producer-processors that are in the rural development districts, the forest resource lands (FRL). Agricultural resource land (ARL) should probably be added, also. Those would only be allowed for Tier 1 and Tier 2. Someone could have a producer-processing license but the processing would be restricted solely to that packaging as the members of the public stated they would be doing.

Commissioner Guenther stated what was read from the WAC and what was suggested as far as processing goes would not be legal with the WAC: to eliminate the middle person would not be legal according to the WAC. Chairman Mahoney stated a grow or production operation and a processing operation can exist on the same parcel. The processing has to be more tightly controlled. Commissioner Prior understood that an individual would need to get two separate licenses – a producing license and a processing license, but those are the two licenses that can be owned by the same person. Commissioner Guenther clarified that the product would then go to a retailer.

Mr. Kliem stated during the first initial discussion with the Planning Commission its views were reflected in Alternative 1, which was restricting all production and processing to industrial districts. Alternative 2 developed after discussions and certain ideas of what other counties are doing. This alternative opens it up to a greater number of districts and differentiates between Tiers 1, 2 and 3 depending on the district. If someone is still interested in doing a large grow it would still need to go in a Small Town Industrial (STI) or Rural Area Industrial (RAI) district as a special use. Everyone would need to meet a set of criteria for the production and processing, including limiting a producer-processor license to packaging for retail sales. It would not include infusion.

Commissioner Prior stated it appears that that is similar to what Cowlitz County did. It defined Type 1 and Type 2 processors, limiting Type 2 processors (which can extract chemicals) to industrial areas and special use in rural and urban areas. Lewis County could limit it to industrial areas. Commissioner Prior would be amenable to that.

Ms. Napier asked Commissioner Prior to clarify what he would like see limited to industrial areas. Commissioner Prior stated a Type 2 processor as defined by Cowlitz County: Type 2 processors engage in extracting concentrates infusing products or uses mechanical chemical processes in addition to drying, curing, trimming and packaging. Type 1 is simply dry, cure, trim and package.

Commissioner Rosbach stated she still did not think it should be allowed in RDD-5.

Chairman Mahoney suggested the Planning Commissioners go through the list in Alternative 2 to determine how each feels about the suggestions.

Item 1 – Establishes definitions. Chair Mahoney thought the definitions within the WAC would stand and further define the processors in Tiers 1 and 2.

Mr. Kliem stated a concern with doing it that way is: the WACs as the state prepared them are to benefit the state in preparing applications and licenses. The definitions do not define what a producer, processor and retailer is in a concise definition. Ms. Napier suggested that the Planning Commission allow staff to have definitions in Lewis County Code that relates to its administration of the code.

Item 2 – Allows Tiers 1 and 2 in RDD5, 10, 20, ARL, FRL. Chairman Mahoney stated if someone does want an outdoor grow that it will be a Tier 3 operation. He also wants to include Agricultural Resource Land with the other districts. When we specify RDD-5, 10 and 20, if we specify a 100 foot setback from the perimeter of the operation, does that by itself take care of the parcel size, or do we need to specify that it has to be a five or ten acre minimum? Commissioner Prior thought the set-back was enough. As he understands the WAC outdoor grows have to have a visual barrier between rights of way and the growing operation – either a wall or a fence. He thought the set-back requirements were enough.

Commissioner Rosbach wanted to see a 10-acre minimum.

Commissioner Guenther was concerned about the five acres that are clustered. Chair Mahoney stated he would rather not get into the zoning designation, but the actual parcel size. Setbacks will protect the neighbors.

Commissioner Rosbach stated there are more areas and developments that have the five-acre lots that include clustered housing. Those people would be impacted. If we could eliminate RDD-5 or the five acre lots we would take that problem away from those people.

Commissioner Prior asked if a requirement could be written into Lewis County Code to have neighbors buy off on a project. Ms. Napier stated Item 2 requires a special use permit, which would go before a Hearing Examiner and involves a public process. That does not mean it would get the neighbor's buy-off, but it is a public process.

Commissioner Guenther also wanted to see a 10-acre minimum. Commissioner Davis thought the setbacks were enough; he did not object to five-acre parcels. Chairman Mahoney agreed with Commissioners Davis and Prior. He suggested saying it was limited to RDD-5, 10 and 20, ARL, FRL with 100 foot setbacks from all property lines to the perimeter of the actual grow or processing facility.

Mr. Kliem asked if the Planning Commission wanted to retain only Tier 1 and Tier 2 in those designations. Chair Mahoney stated it should include Tier 3.

Item 3 – Allows Tier 3 marijuana production and processing in STI and RAI as a special use. Chair Mahoney thought this should also state an "indoor grow." An outdoor grow has no place in an industrial zone in his opinion.

Item 4 – Adopts special provisions.

- a. Add ARL land
- b. No change
- c. In Rural Development, FRL and ARL; not industrial areas
- d. Add Type 1 and Type 2
- e. Chair Mahoney stated this is addressed in the WAC – Ms. Napier stated Environmental Health may have some requirements that may be in conflict if we deviate.
- f. Chair Mahoney thought this would only apply to an industrial zone. Ms. Napier stated staff would work with Environmental Health on this item.

g. Chair Mahoney stated this is addressed in the WAC. Ms. Napier stated more and more people are requesting to be off of the grid. By having this type of language you are asking staff to manage something that is not covered by their code.

Commissioner Guenther suggested that there should be specific language for a decibel reading within 50 feet of a generator. Commissioner Davis stated this would not affect an operation that was out of electricity and needed a generator for emergency purposes.

- h. Chair Mahoney stated this was addressed in the 100' setbacks.
- i. Chair Mahoney stated this was addressed in the 100' setbacks.
- j. No change
- k. Chair Mahoney stated day care centers are already included in the 1,000' exclusion. He asked if hospitals should be included. It was agreed that health care facilities would be included.
- l. No change

The Planning Commissioners decided to return on December 9 to discuss retail establishments. Chair Mahoney stated the Commission would like to hold a public hearing on January 13.

Commissioner Prior asked if a draft ordinance would be available for review on the night of the public hearing or on December 9. Ms. Napier stated it was her understanding that the Planning Commission would have the code to review before the January hearing. There is still a piece of code missing without the retail information. If that conversation is held on December 9 then that will go into the code in advance of the January meeting. She did not intend to draft the code and hold a public hearing on December 9. Commissioner Prior wanted to discuss the code in a workshop environment before a public hearing.

Chairman Mahoney stated the Planning Commission should meet on December 9. In that case the public hearing may not be held until the 27th of January.

Commissioner Davis stated he would not be available for the December 9 meeting.

6. Calendar

The next meeting will be on December 9, 2014. Mr. Kliem stated he would not be available for that meeting; Ms. Napier and Mr. Babineau would be attending the meeting. Mr. Kliem stated he would have a draft available for what has been discussed so far on December 9.

7. Good of the Order

There were no comments.

8. Adjourn

The meeting adjourned at 8:08 p.m.